

REMARKS

Claims 24-37 and 79- 141 were examined in the outstanding office action mailed on 10/16/2006 (hereafter "Outstanding Office Action"). Applicants note with appreciation that claims 27-29, 84-94, 97-102, 105-109, 111-115, and 120-121 were indicated to be allowable if rewritten in independent claim format, including the features of any intervening claims. Claims 79-83, 95-96, and 122-140 were rejected under 35 U.S.C. 101, claims 30-37 were objected to, claims 24, 79, 83, 95-96, 103-104, 110, 118-119, 122, 135-136, and 141 were rejected under 35 U.S.C. 102(e), and claim 25 is rejected under 35 U.S.C. 103(a).

By virtue of this response claims 27, 83, 84, 96, 98, 104, 106, 111, 119, 121, 125-126, 136, 138 and 141 are sought to be canceled, and claims 24 ,25, 28, 30,79-80, 85, 87, 90, 92, 95, 97, 99, 103, 105, 107, 110, 112, 114, 118, 120, 122-123, 127, 132, 135, 137 and 139 are sought to be amended. The cancellations and amendments are believed not to introduce new subject matter, and their entry is respectfully requested. The amendments and cancellations are made without prejudice or disclaimer. Claims 24-26, 28-37, 79-82, 85-95, 97, 99-103, 105, 107-110, 112-118, 120, 122-124, 127-135, 137, 139 and 140 are thus respectfully presented for consideration.

Claim Rejections - 35 U.S.C. § 101

Claims 79-83, 95-96, and 122-140 were rejected under 35 U.S.C. 101 alleging that the claimed invention is directed to non-statutory subject matter.

The rejection with respect to claims 79-83 is believed to be rendered moot at least in view of the foregoing amendment to claim 79. In particular, claim 79 is sought to be amended to at least substantially include the features of claim 84 indicated to be allowable if rewritten in independent format. Withdrawal of the rejection under 35 U.S.C. § 101 with respect to claims 79-83 is respectfully requested.

Withdrawal of rejection under 35 U.S.C. § 101 with respect to claims 95 and 96 is respectfully requested at least for similar reasons.

With respect to claims 122-134, it has been alleged that it is not clear whether the instructions are either computer executable or cause a computer to perform. It is respectfully noted that the claims are directed to a "... computer readable medium carrying one or more sequences of instructions for causing a device to ..., wherein execution of said one or more sequences of instructions by one or more processors contained in said device ***causes said one or more processors to perform the actions of: ...***" (Currently Amended claim 122, ***Emphasis Added***).

Thus it is submitted that the instructions are executable by processors contained in a device, and such execution causes the actions recited in the body of currently amended claim 122 to be performed. The subject matter is believed to constitute patentable subject matter under 35 U.S.C. § 101, and withdrawal of the rejection as against claims 122-134 is respectfully requested.

Withdrawal of the rejection with respect to claims 135-140 is respectfully requested for similar reasons.

Claim Objections

Claims 30-37 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, claim 30 is sought to be amended to depend from currently amended claim 24, which is also a device claim. Withdrawal of the objection with respect to claim 30 is respectfully requested.

Claims 27-29, 84-94, 97-102, 105-109, 111-115, and 120-121 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 24 is sought to be amended to include at least substantially the features of claim 27 (now canceled, but indicated to be allowable if rewritten in independent format), including the intervening claim 141, and is thus believed to be in condition for

allowance. Claims 25-26 and 28-37 are also allowable at least as depending from an allowable base claim.

Independent claim 79 is sought to be amended to include at least substantially the features of claim 84 (now canceled, but indicated to be allowable if rewritten in independent format), including the intervening claim 83, and is thus believed to be in condition for allowance. Claims 80-82 and 85-94 are also allowable at least as depending from an allowable base claim 79.

Independent claim 95 is sought to be amended to include at least substantially the features of claim 98 (now canceled, but indicated to be allowable if rewritten in independent format), including the intervening claim 96, and is thus believed to be in condition for allowance. Claims 99-102, are also allowable at least as depending from an allowable base claim 95.

Claim 97, indicated to be allowable, has been amended to independent claim form (including at least substantially the features of claims 95 and 96, from which claim 97 previously dependent), and is thus believed to be in condition for allowance.

Independent claim 103 is sought to be amended to include at least substantially the features of claim 106 (now canceled, but indicated to be allowable if rewritten in independent format), including the intervening claim 104, and is thus believed to be in condition for allowance. Claims 107-109 are also allowable at least as depending from an allowable base claim 103.

Claim 105 has been amended to independent claim form (including at least substantially the features of claims 103 and 104, from which claim 105 previously dependent), and is thus believed to be in condition for allowance.

Independent claim 110 is sought to be amended to include at least substantially the features of claim 111 (now canceled, but indicated to be allowable if rewritten in independent

format), and is thus believed to be in condition for allowance. Claims 112-117, are also allowable at least as depending from an allowable base claim 110.

Independent claim 118 is sought to be amended to include at least substantially the features of claim 121 (now canceled, but indicated to be allowable if rewritten in independent format), including those of intervening claim 119, and is thus believed to be in condition for allowance.

Claim 120 has been amended to independent claim form (including at least substantially the features of claims 118 and 119, from which claim 120 previously depended), and is thus believed to be in condition for allowance.

Currently amended independent claim 122 parallels claim 79 in several respects, and is thus believed to be in condition for allowance. Claims 123-124 and 127-134 are allowable at least as depending from allowable base claim 122.

Currently amended independent claim 135 parallels claim 95 (explained to be allowable above) in several respects, and is thus believed to be in condition for allowance. Claims 139-140 are allowable at least as depending from allowable base claim 135.

Currently amended independent claim 135 parallels claim 97 (explained to be allowable above) in several respects, and is thus believed to be in condition for allowance.

Claim Rejections Under 35 U.S.C. §§ 102

Claims 24, 79, 83, 95-96, 103-104, 110, 118-119, 122, 135-136, and 141 were rejected under 35 U.S.C. 102(e). The rejections are rendered moot at least in view of the foregoing amendments and remarks.

Thus all the objections and rejections are believed to be overcome and the application is believed to be in condition for allowance. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful

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for any reason.

Respectfully submitted,

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Signature

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